

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



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BILL SCHUETTE
ATTORNEY GENERAL

July 24, 2014

Bradley Shamla
Vice President, U.S. Operations
Enbridge Energy Limited Partnership
Enbridge Pipelines (Lakehead) L.L.C.
26 East Superior Street, Suite 309
Duluth, MN 55802

Re: Enbridge Lakehead System Line 5 Pipelines at the Straits of Mackinac

Dear Mr. Shamla:

Thank you for your June 27, 2014 response to our April 29, 2014 letter regarding the Line 5 pipelines at the Straits of Mackinac. We are reviewing the information you provided and look forward to further dialogue with Enbridge Energy Limited Partnership on various subjects related to the pipelines.

I write to you now to specifically address one issue of particular importance: pipeline supports and compliance with the terms and conditions of the April 23, 1953 "Straits of Mackinac Pipe Line Easement" granted by the State of Michigan to Lake Head Pipe Line, Inc., Enbridge's predecessor in interest. As you know, Paragraph A. of the Easement provides, in part, that:

Grantee shall comply with the following minimum specifications, conditions and requirements, unless compliance therewith is waived or the specifications or conditions modified in writing by the Grantors:

* * *

(10) The maximum span or length of pipe unsupported shall not exceed seventy-five (75) feet.

Enbridge's Responses to Questions and Requests for Information Regarding Straits Pipelines enclosed with your June 27, 2014 letter acknowledge that Easement requirement. (Responses, p 23.) Enbridge refers to engineering calculations indicating that the pipelines would be safe with unsupported spans across the bottom of up to 140 feet. But it is undisputed that the State of Michigan required that the pipeline be supported at least every 75 feet. That support spacing requirement was and remains a legally binding condition of the Easement.

Enbridge's Response acknowledges that at least some portions of the pipelines do not currently meet the Easement's support spacing requirement. We appreciate and understand that in 2002, Enbridge began installing new screw anchor supports at various locations along the pipelines. The State also understands both from the June 27, 2014 Responses and Enbridge's pending application (File No. 14-49-0017-P) to the Michigan Department of Environmental Quality for a permit under Part 325 (Great Lakes Submerged Lands) of the Natural Resources and Environmental Protection Act, MCL 324.32501 *et seq.*, that Enbridge proposes to again inspect the pipelines and install up to 42 additional pipe support anchors this summer. Your response further states that Enbridge expects that upon completion of the 2014 program and inspection, "it will not only ensure meeting the 75-foot span requirement in the easement, but provide an average unsupported span length of less than 50 feet which represents a 'three times' safety margin." (Responses, p 23.)

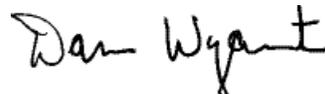
To avoid any confusion on this subject, and to ensure full and expeditious compliance with Condition A.(1) of the Easement, please consider this letter formal written notice on behalf of the State of Michigan, and pursuant to Condition C. of the Easement, that to date, Enbridge has not fully complied with the 75-foot support spacing requirement contained in Condition A.(1) of the Easement. This triggers the ninety (90) day period stated in Condition C. within which Enbridge must correct that specified non-compliance with the Easement, or at a minimum, have commenced and diligently pursued remedial action as soon as it is reasonably possible.

We look forward to Enbridge's prompt and full compliance with the applicable requirements of the Easement.

Sincerely,



Bill Schuette
Attorney General



Dan Wyant, Director
Department of Environmental Quality

WDS/pm

cc: Dennis Muchmore, Chief of Staff, Governor's Office
Keith Creagh, Director, Department of Natural Resources
Bill Creal, Division Chief, Department of Environmental Quality - WRD